



# RESEARCH REPORT

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<b>Catalog number</b>	99-004
<b>Date:</b>	April 21, 1999
<b>Subject:</b>	Public Defender's Office Staffing Study
<b>To:</b>	David Smith, County Administrative Officer
<b>From:</b>	Sandi Wilson, Deputy County Administrator Chris Bradley, Budget Manager
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## Executive Summary

### ISSUE

Does the Public Defender's Office employ enough support personnel to adequately address current workloads?

### CONCLUSION

The data submitted to OMB and the subsequent analysis that was conducted indicates that the Public Defender's Office is justified in seeking funding to create additional support positions. The primary workload increases are occurring within the Trial Division. Analysis of specific workload indicators - trials, subpoenas served, and pages transcribed - shows that workload growth has outpaced the PD's ability to create support positions. The increasing number of case assignments within the Appeals Division indicates that support related work is increasing in this division as well.

### RECOMMENDATION

OMB recommends funding to create 36 support positions to achieve acceptable position to workload ratios. The following summarizes OMB's budget recommendation.

#### Recommended

- **FY 99/00 - \$949,952**
- **Annualized - \$1,148,446**

Budget projections indicate that the department will realize savings from operations in the amount of \$571,016. The savings will be used to absorb a portion of the cost of the additional staff. This will be reflected as a reduction in the department's base budget request for FY 1999 - 00.

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## **ISSUE**

Does the Public Defender's Office employ enough support staff to adequately address current workloads?

## **BACKGROUND**

The Maricopa County Criminal Justice System is experiencing significant increases in workload. Several contributing factors exist. Some of these include new laws passed by the state legislature; the addition of more police officers; population growth; and the prosecution policies of the County Attorney's Office. As a result the Public Defender's (PD's) Office has expressed a need for additional staff to handle the increase in work.

While gross case assignments to the office have remained relatively constant, the cases assigned are requiring more time and effort to resolve. This is due primarily to recent policy changes in the County Attorney's Office. Plea cutoff deadlines and more stringent policies have created extra work for both attorney and support staff personnel. Cases that might have pled quickly a few years ago, now requires hours of work in an effort to obtain viable plea agreements. When that fails, the cases end up in trial. Furthermore, compressed time frames brought on by earlier plea cutoff deadlines concentrate greater activity into shorter periods of time. The PD's Office believes that greater support staff involvement is necessary to cost-effectively manage many of these activities for attorneys who must focus on courtroom activities.

The need to hire additional attorneys to offset the increased workload has taken precedence over the need to hire additional support staff. This has led to a lower quality of service, higher levels of dissatisfaction by attorneys and support staff, and increased turnover. When the PD's Office submitted its initial proposal for additional support staff as an issue for the FY 1999 budget, it projected a 22.5 percent turnover rate among support staff based on resignations that were submitted by February 6, 1998. An update of this budget issue by the PD's Office now projects that the attrition rates among support staff will be approximately 43 percent for the year. Exit surveys and interviews revealed that the top two reasons for this high attrition were workload and dissatisfaction with salary.

The PD is focusing on decreasing the caseload and workload ratios per support staff position. Essentially, this would improve the current support staff to attorney ratios that currently exist. In its initial budget request, the PD stated that the support staff to attorney ratio is insufficient to handle the increase in case assignments and the subsequent work that is generated.

The PD is seeking to increase support staff in eight types of positions within three Public Defender divisions – Trial, Juvenile, and Appeals. Specifically, the office is

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seeking 29 positions for the Trial Division, seven positions for the Juvenile Division, and two positions for the Appeals Division. The PD feels that it is necessary to alleviate the pressure associated increased case assignments and workload to maintain a healthy work environment for its support staff.

When the PD submitted its budget issue for additional support staff in the Trial Division, a disparity existed between the reported number of FTE attorneys and the actual number of attorneys reported in the monthly statistics. In the initial budget request, 158.125 FTE attorneys were reported but monthly statistics indicated that 126 actual attorneys existed. In response to this discrepancy, the PD stated that the number of attorneys reported in the statistical reports does not reflect the total number of filled attorney positions. At the time monthly statistics were distributed, six vacant positions were expected to be filled and five positions were to start later in the year. Another eight positions are assigned to probation violation (workload and positions for Probation Violation Court are reflected separately in the monthly statistics). The remaining fourteen positions are management or special assignment courts (Arraignment Court, Early Disposition Court, or Drug Court). The attorneys in these positions work for the Trial Division, but their primary duties do not include handling a regular trial caseload, although they do require support from staff in the office.

Although the majority of the funding request centers on staffing the Trial Division, the PD finds that it is necessary to add staff to the Appeals and Juvenile Divisions as well. The Juvenile Division is comprised of 31 attorneys and handles delinquency and juvenile appeals cases. The Appeals Division employees 16 attorneys whose case assignments include appeals, PCR's, and appeal/PCR's.

## **DISCUSSION**

### **Staffing**

In recent years the PD's Office has made it a priority to provide funding for attorney positions rather than for support staff positions due to the volume of caseload and increase in workload. The PD contends that this has caused a disparity in the ratio of support staff to attorneys. Although the data indicates that a difference exists, the disparity in ratios does not appear to be significant from year to year. The number of support staff positions are increasing at a rate similar to the attorneys' rate of increase. Table I shows the recent history of the number of support staff and attorney positions and the corresponding ratios per support position.

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**TABLE I**

History of Funded Positions										
Type of Position	FY 95/96	Ratio*	FY 96/97	Ratio*	FY 97/98	Ratio*	FY 98/99	Ratio*	Proposed	Ratio*
<b>Attorney</b> (percentage increase)	<b>168.125</b>		<b>187.5</b> 12%		<b>199.125</b> 6%		<b>206</b> 3%		<b>206</b> 0%	
Client Services Coordinator	7	1 to 24	8	1 to 23	7	1 to 28	7	1 to 29	11	1 to 19
Initial Services	7	1 to 24	7	1 to 27	7	1 to 28	7	1 to 29	8	1 to 26
Investigative Aide	0	0	1	1 to 188	1	1 to 199	1	1 to 206	2	1 to 103
Investigator	24	1 to 7	25	1 to 8	26	1 to 8	27	1 to 8	33	1 to 6
Law Clerk	5	1 to 34	5	1 to 38	5	1 to 40	5	1 to 41	7	1 to 29
Legal Assistant	2	1 to 84	9	1 to 21	9	1 to 22	10	1 to 21	19	1 to 11
Legal Secretary	42	1 to 4	45	1 to 4	49.125	1 to 4	50.625	1 to 4	61.625	1 to 3
Records Processor	19	1 to 9	18	1 to 10	18	1 to 11	18	1 to 11	22	1 to 9
<b>Total Support Staff</b> (percentage increase)	<b>106</b>		<b>118</b> 11%		<b>122.125</b> 3%		<b>125.625</b> 3%		<b>163.625</b> 30%	

\*Ratios are rounded to nearest whole number

The following is a list of the support staff positions and their corresponding job descriptions. Although other classifications of positions exist, funding is being requested for these positions only.

### **Client Services Coordinator**

Assesses clients' social and medical histories (including psychological reports and legal documents). Conducts interviews and assessments. Develops treatment plans. Composes reports and correspondence. Testifies in court.

### **Initial Services**

Conducts preliminary client interviews. Answers procedural questions. Delivers court papers to and obtains documents or signatures from clients housed in a county jail. Translates/interprets for Spanish-speaking clients, witnesses, and interested parties.

### **Investigative Aide**

Assists office investigators with research of court records. Photocopies records. Delivers discovery materials/medical records. Obtains Clerk of the Court's seal. Serves subpoenas. Maintains service log. Performs miscellaneous clerical functions.

### **Investigator**

Locates and interviews potential witnesses. Obtains and evaluates physical and documentary evidence. Prepares oral and written investigative reports. Testifies in court.

### **Law Clerk**

Researches legal issues. Provides results to attorneys. Drafts legal memoranda and motions. Assists attorneys at legal proceedings.

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### **Legal Assistant**

Assists attorneys in trial organization. Assists in development of exhibits for court. Coordinates client and witness court appearances and interviews. Serves as a liaison for clients and witnesses. Assists attorneys with jury selection process. Takes notes during trial.

### **Legal Secretary**

Types and prepares legal documents. Transcribes witness interviews. Coordinates case files. Prepares calendars for attorneys. Schedules meetings and interviews.

### **Records Processor**

Updates case tracking system. Answers inquiries. Conducts conflict checks. Creates hard files. Files or pulls hard files.

### **Caseload and Workload Data**

Caseload is defined as the number of cases assigned per attorney. Workload is generated from the case assignments. Each attorney requires the services of support staff to adequately address the work created by each case assignment. Each division's case assignments are comprised of the specific types of cases that are handled in each division. Data has been provided to document the increase in workload in the Trial Division that is generated from the case assignments. Specific workload indicators are used to determine the work that has been generated from the case assignments. The PD is basing its request to improve support staff to attorney ratios based on the caseload in the Juvenile and Appeals Divisions and the caseload and workload in the Trial Division.

#### *Trial Division*

The Trial Division represents adults charged with crimes and juveniles charges as adults at the pretrial and trial level in the Superior Court and Justice Courts of Maricopa County. Trial Division attorneys handle matters that range in severity from misdemeanors to death penalty cases. The majority of these cases are felonies that are set in Justice Court for preliminary hearings. After this stage they are transferred to Superior Court for plea and sentencing or trial. A minority of cases that attorneys handle at Justice Court are misdemeanors which are settled or tried. The division also handles cases that are commenced by indictment by the Grand Jury. Trial Division attorneys represent their clients throughout their proceedings from preliminary hearing or arraignment through plea and sentencing or trial and sentencing. Support staff personnel are necessary to assist with all aspects of plea and sentencing or trial and sentencing. They assist with tasks such as pre-trial investigations; plea negotiation; drafting and filing motions; preparations for jury and bench trials; preparation of evidence and arguments; as well as other tasks. Table II shows that the increase in

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case assignments for the Trial Division from FY1996 through FY 1999. Considerable increases in case assignments were evident from FY 1996 to FY 1998 but have since leveled off. The PD notes that the caseload increases in prior years and workload increases in the current year are the basis to improve the support staff to attorney ratios.

**TABLE II**

<b>Case Assignments: Trials Division</b>							
	<b>FY 95/96</b>	<b>Percent (+/-)</b>	<b>FY 96/97</b>	<b>Percent (+/-)</b>	<b>FY 97/98</b>	<b>Percent (+/-)</b>	<b>FY 98/99*</b>
Homicides	145	-16%	122	11%	136	9%	148
SCAC's	195	22%	237	23%	291	19%	347
Other Felonies	16,139	22%	19,698	9%	21,535	-6%	20,192
Probation Revocations	6,996	11%	7,741	19%	9,221	31%	12,071
Misdemeanors	4,726	0%	4,718	-5%	4,472	-17%	3,724
<b>TOTAL</b>	<b>28,201</b>	<b>15%</b>	<b>32,516</b>	<b>10%</b>	<b>35,655</b>	<b>2%</b>	<b>36,482</b>

\*Projected

Table III illustrates the support staffing level based on the case assignments from FY 1996 to FY 1999. Note that the increase in case assignments in FY 1998 was significantly greater than the increase in support staff positions. Although the rate of increase is projected to be relatively the same again in FY 1999, the PD's Office states that the current support staffing level is inadequate to handle the volume of cases that are assigned to the division.

**TABLE III**

<b>Case Assignments Per Support Staff</b>				
<b>Position</b>	<b>FY 95/96</b>	<b>FY 96/97</b>	<b>FY 97/98</b>	<b>FY 98/99*</b>
Client Services Coordinator	5	6	5	5
Initial Services	5	5	5	5
Investigative Aide	-	1	1	1
Investigator	20	22	22	23
Law Clerk	4	4	4	4
Legal Assistant	2	9	9	10
Legal Secretary	32	35	39.125	40.625
Records Processor	16	15	15	15
<b>Total Positions</b>	<b>84</b>	<b>97</b>	<b>100.125</b>	<b>103.625</b>
<b>Percent Change</b>		<b>15%</b>	<b>3%</b>	<b>3%</b>
<b>Case Assignments</b>	<b>28,201</b>	<b>32,516</b>	<b>35,655</b>	<b>36,482</b>
<b>Percent Change</b>		<b>15%</b>	<b>10%</b>	<b>2%</b>
<b>Case Assignments per Support Staff Position</b>	<b>336</b>	<b>335</b>	<b>356</b>	<b>352</b>

\*Case assignments are projected for the year based on six months of data

In addition to addressing increasing caseload concerns in the Trial Division, the PD wants to improve ratios based on the workload as well. The PD's Office submitted three indicators to address the impact that workload has on the support staff ratios:

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- Number of trials
- Number of subpoenas served
- Number of pages transcribed

The trial workload indicator is used as a general measure for all support positions in the division. The subpoena workload indicator is used to gauge the workload of the legal assistants and the legal secretaries. Lastly, the transcription workload indicator is used to measure the workload of the legal secretaries only. Since the combined number of legal assistants and legal secretaries comprised more than half of the PD's request, additional workload indicators were requested for those positions.

Although the case assignments to the Trial Division have remained relatively constant from last year through the current year, the number of cases going to trial has increased substantially. The PD asserts that the increase in trials without the addition of support staff has decreased efficiency and caused stressful working conditions for staff in the division. The PD attributes this to a substantial increase in trial load and a minimal increase in support positions. From FY 1996 to FY 1999 the number of support staff positions increased from 84 FTE's to 103.625 FTE's which represents a percentage change of 23 percent during this time period. Conversely, the increase in trials during this time period has been much greater. During the same period trial load increased by 103 percent from 224 trials to 456 trials. Table IV illustrates the comparison between trial load and support staff positions.

**TABLE IV**

<b>Trials Per Support Staff Position</b>				
<u>Position</u>	<u>FY 95/96</u>	<u>FY 96/97</u>	<u>FY 97/98</u>	<u>FY 98/99*</u>
Client Services Coordinator	5	6	5	5
Initial Services	5	5	5	5
Investigative Aide	-	1	1	1
Investigator	20	22	22	23
Law Clerk	4	4	4	4
Legal Assistant	2	9	9	10
Legal Secretary	32	35	39.125	40.625
Records Processor	16	15	15	15
<b>Total Positions</b>	<b>84</b>	<b>97</b>	<b>100.125</b>	<b>103.625</b>
<b>Percent Change</b>		<b>15%</b>	<b>3%</b>	<b>3%</b>
<b>Total Trials</b>	<b>224</b>	<b>293</b>	<b>413</b>	<b>456</b>
<b>Percent Change</b>		<b>31%</b>	<b>41%</b>	<b>10%</b>
<b>Trials per Support Staff Position</b>	<b>2.67</b>	<b>3.02</b>	<b>4.12</b>	<b>4.40</b>

\*Case assignments are projected for the year based on six months of data

The increase in the number of trials serves to drive the increase in the other workload indicators. In addition to the various support functions that legal assistants and legal secretaries perform for trials, the number of subpoena's served is an indicator of the

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amount of work that is required of those two positions. The increasing number of subpoena's served is used to determine the amount of work that a legal assistant and legal secretary performs.

Subpoenas are used to secure the presence of a witness and to obtain records. Cases that plead early generally do not require subpoenas. However, the longer a case remains active, then the likelihood that a subpoena will be needed increases. Cases that are headed for trial will usually require more than one subpoena. As the number of trials increase, the number of subpoenas served increases as well. Subsequently, legal assistants and legal secretaries experience an increase in workload. Legal secretaries, upon direction from the attorneys, prepare the necessary information that goes into the subpoena document. The legal secretary inputs the necessary information into the two-page document before it is delivered to its recipient. In addition the legal secretaries prepare any accompanying attachments for subpoena documents.

From FY 1996 through FY 1999 the combined number of legal assistants and legal secretaries has increased from 24 FTE's to 50.625 FTE's which represents a 49 percent increase. During the same time period the number of subpoenas served has increased from 2,194 documents to 2,628 documents, which represents an increase of 20 percent. Table V compares the number of subpoenas served versus the staffing level of legal assistants and legal secretaries.

**TABLE V**

<b>Subpoena Workload</b>				
<u>Position</u>	<u>FY 95/96</u>	<u>FY 96/97</u>	<u>FY 97/98</u>	<u>FY 98/99*</u>
Legal Secretaries	32	35	39.125	40.625
Legal Assistants	2	9	9	10
Total Positions	34	44	48.125	50.625
<b>Percent Change</b>		<b>29%</b>	<b>9%</b>	<b>5%</b>
Total Subpoenas	2,194	2,083	2,288	2,628
<b>Percent Change</b>		<b>-5%</b>	<b>10%</b>	<b>15%</b>
Subpoenas Per Staff Position	64.53	47.34	47.54	51.91

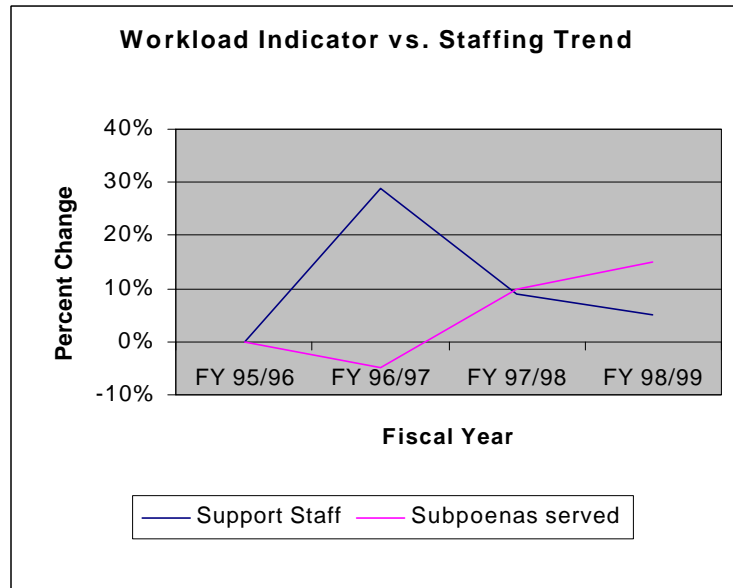
\*Subpoenas are projected for the year based on six months of data

Although the PD has increased the number of legal assistants and legal secretaries, the office has been staffing these positions at a decreasing rate for the last three years. Conversely, work has been increasing as indicated by the growth in the number of subpoena documents being served. In FY 1997 the PD increased the number of legal assistant positions from two FTE's to nine FTE's. This was the majority of the staffing increase in the Trial Division that year. Since then one legal assistant position and 5.625 legal secretary positions have added despite the rapid growth in trials and subpoenas served. The PD asserts that more work time has been dedicated to preparing subpoenas and wants to avoid the staff to workload ratio that was experienced in FY 1996. Graph I illustrates the comparison between the trend in

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staffing for legal assistants and legal secretaries with the trend in the number of subpoena documents that were served.

**GRAPH I**



As a gauge to measure the impact of increased work on the legal secretaries, the PD submitted data detailing the amount of transcription work that legal secretaries perform. Tape transcription, however, is only a portion of the impact that an increase in trials has created. Other tasks that increase as a result of an increase in trials is not included because the workload data is not tracked and difficult to quantify.

As a result of the increase in cases going to trial, the amount of work involving tape transcriptions has increased. The number of legal secretary positions in the Trial Division has increased as well, but not in a manner that matches the growth of the transcription work. From FY 1996 to FY 1999 the number of legal secretary positions has increased from 32 FTE's to 40.625 FTE's, which represents an increase of 27 percent. However, the number of pages transcribed has increased more dramatically. Transcriptions have increased from 13,265 pages to 28,658 pages over the last four years. This represents an increase of 116 percent. Table VI details the number of pages that were transcribed over the last four years and compares it to the staffing level of legal secretaries.

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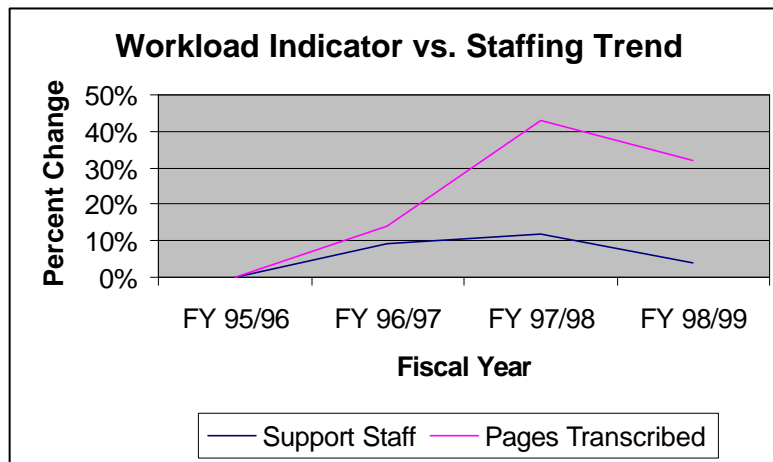
**TABLE VI**

<b>Tape Transcription Workload</b>				
<u>Position</u>	<u>FY 95/96</u>	<u>FY 96/97</u>	<u>FY 97/98</u>	<u>FY 98/99*</u>
Legal Secretaries	32	35	39.125	40.625
Total Positions	32	35	39.125	40.625
<b>Percent Change</b>		<b>9%</b>	<b>12%</b>	<b>4%</b>
Total Pages Transcribed	13,265	15,164	21,704	28,658
<b>Percent Change</b>		<b>14%</b>	<b>43%</b>	<b>32%</b>
Transcriptions Per Staff Position	414.53	433.26	554.73	705.43

\*Tape transcriptions are projected for the year based on six months of data

The PD's Office has been increasing the number of legal secretary positions by approximately eight percent per year for the last four years. The number of pages transcribed has been increasing by approximately 30 percent per year for the last four years. Graph II illustrates the trend in the PD's Office since FY 1996.

**GRAPH II**



### *Appeals*

The Appeals Division handles appeals in the Court of Appeals and Supreme Court and petitions for post-conviction relief in the Superior Court. These proceedings are post-trial or plea and involve the review of proceedings by a higher court in the case of appeals, or the same court in the case of petitions for post-conviction relief. Appeals attorneys are subject to very strict limits in which briefs must be filed. The legal assistants and legal secretaries who provide support for attorneys are subject to the

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same time constraints as well. Table VII shows the types of cases handled by the division and the percent change in number of cases from year to year.

**TABLE VII**

<b>Case Assignments: Appeals Division</b>							
	<u>FY 95/96</u>	<u>Percent (+/-)</u>	<u>FY 96/97</u>	<u>Percent (+/-)</u>	<u>FY 97/98</u>	<u>Percent (+/-)</u>	<u>FY 98/99*</u>
Appeal	338	8%	366	22%	446	13%	506
PCR	251	-14%	217	8%	235	1%	237
Appeal/PCR	579	-2%	565	39%	786	16%	915
<b>TOTAL</b>	1,168	-2%	1,148	28%	1,467	13%	1,658

\*Projected

To determine the staffing needs for the Appeals Division, the PD is basing its request on the number of case assignments per support staff position. Workload indicators are not included because they are neither tracked nor quantified. The PD contends that current staffing levels are insufficient to handle current caseload. Table VIII details the percent change in total positions for the division versus the percent change in case assignments per division.

**TABLE VIII**

<b>Case Assignments Per Support Staff</b>				
<u>Position</u>	<u>FY 95/96</u>	<u>FY 96/97</u>	<u>FY 97/98</u>	<u>FY 98/99*</u>
Client Services Coordinator	2	2	2	2
Initial Services	2	2	2	2
Investigator	2	3	4	4
Law Clerk	1	1	1	1
Legal Secretary	4	4	4	4
Records Processor	2	2	2	2
Total Positions	13	14	15	15
<b>Percent Change</b>		8%	7%	0%
Case Assignments	1,187	1,148	1,467	1,658
<b>Percent Change</b>		-3%	28%	13%
Case Assignments per Support Staff Position	91	82	98	111

\*Case assignments are projected for the year based on six months of data

The table indicates that the number of assignments per staff position increased significantly in the last three years. From FY 1996 to FY 1999 the number of case assignments handled by the division increased by 40 percent. In response the division increased the support staff by 15 percent. This percent change is somewhat misleading because only one type of position was increased. One investigator position

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was added in FY 1997 and another was added in FY 1998. Other support positions were not added in relation to the caseload increase. The PD is requesting additional funding to create additional positions to decrease the current staff to caseload ratio.

### *Juvenile*

The Juvenile Division attorneys represent minors charged with delinquency or incorrigibility. While the penalties are not as severe for juveniles, the caseloads are higher than in the Trial Division. The work of the Juvenile Attorneys is very much the same as that of the Trial Division attorneys and, thus, requires the same types of support services as that of the larger Trials Division. In addition, the Juvenile attorneys are faced with a shorter deadline than that of the Trials attorneys. Attorneys in this division frequently work on weekends and holidays. Since support staff personnel are not able to work overtime, this would entail attorneys working without the aid of support staff on a frequent basis.

To determine the need for additional support staff in the Juvenile Division caseload data was submitted. Workload indicators were not submitted because they are neither tracked nor quantified. Table IX details the types of cases handled by the division and the percent increase or decrease in cases from year to year.

**TABLE IX**

<b>Case Assignments: Juvenile Division</b>							
	<b>FY 95/96</b>	<b>Percent (+/-)</b>	<b>FY 96/97</b>	<b>Percent (+/-)</b>	<b>FY 97/98</b>	<b>Percent (+/-)</b>	<b>FY 98/99*</b>
Delinquencies	8,536	6%	9,007	13%	10,195	-8%	9,348
Juvenile Appeals	68	-15%	58	26%	73	367%	341
<b>TOTAL</b>	8,604	5%	9,065	13%	10,268	-6%	9,689

\*Projected

The number of case assignments per support staff position has not increased nor decreased dramatically from year to year. It appears that adding support staff to this division has not been a priority. Although the PD maintains that additional support staff in this division is necessary to handle the current caseload, the number of case assignments decreased by six percent from FY 1998 to FY 1999. Since FY 1996 the total increase in case assignments has increased by 13 percent, but the staff position to case assignment ratio has remained somewhat constant. Table X illustrates the supports staffing level to total caseload from FY 1996 to FY 1999.

**TABLE X**

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<b>Case Assignments Per Support Staff</b>				
<u>Position</u>	<u>FY 95/96</u>	<u>FY 96/97</u>	<u>FY 97/98</u>	<u>FY 98/99*</u>
Legal Assistant	0	0	0	0
Legal Secretary	6	6	6	6
Records Processor	1	1	1	1
Total Positions	7	7	7	7
<b>Percent Change</b>		<b>0%</b>	<b>0%</b>	<b>0%</b>
Case Assignments	8,604	9,065	10,268	9,689
<b>Percent Change</b>		<b>5%</b>	<b>13%</b>	<b>-6%</b>
Case Assignments per Support Staff Position	1,229	1,295	1,467	1,384

\*Case assignments are projected for the year based on six months of data

### **Nonproductive Time**

The Public Defender's Office is concerned with turnover and average leave usage among support staff as an indicator of job related stress and workload indicators. Administrative staff feels that as assignments and workload increases, nonproductive time will increase causing the office to decrease in efficiency. In addition, as nonproductive time mounts among the support staff ranks, attorneys are burdened with performing their own support-related functions. The PD believes that increasing the number of support staff to handle the increase in case assignments and workload will alleviate the nonproductive time that is currently being experienced in the office. Table XI illustrates the personal and family/medical leave used by the PD's Office for calendar year 1998.

**TABLE XI**

<b>Public Defender Average Leave Usage*</b>			
	<u>Personal Time Off</u>	<u>Family/Medical Leave</u>	<u>Total</u>
Office Wide Average	101.57	18.56	120.13
Attorney Average	100.68	16.88	117.56
Support Staff Average	102.86	21.02	123.88

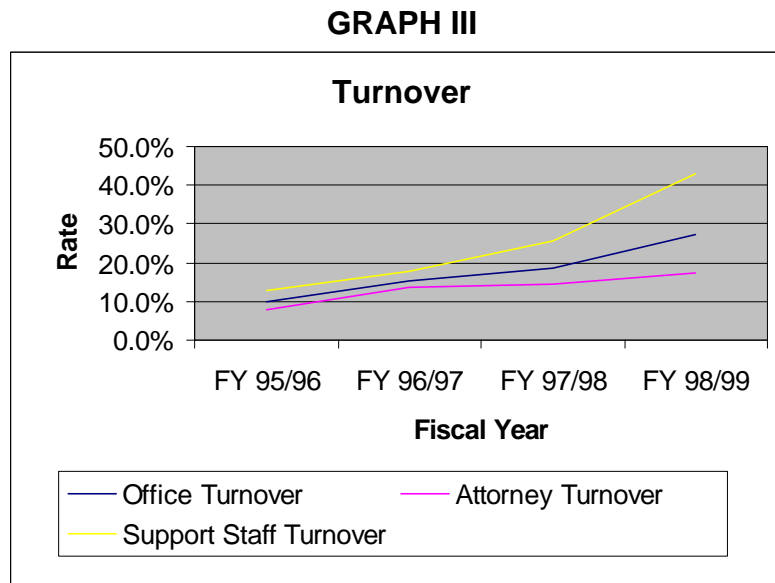
\*Includes Mental Health and Dependency Divisions

Based on the limited data submitted to OMB, a clear connection between higher than average leave usage and excessive work has not been proven nor established. Further empirical evidence would need to be submitted to establish the link between workload and caseload and leave usage among staff.

There does appear to be a positive correlation between the increase in workload and caseload and the increase in the turnover rate. The PD reports that turnover has reached "epidemic proportions" among the support staff. In FY 98/99 turnover among support staff is projected to reach 42.86 percent. The data indicates that the average attrition rate is 24.69 percent over the last four years. In exit surveys and interviews, employees have cited excessive workload and dissatisfaction with salary as the top two reasons for their departure. The high turnover rate among the support staff has limited

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the PD's ability to achieve full productivity among support staff. Turnover is counterproductive for the office due to the costs associated with training new personnel. Graph III shows the trend in attrition for the last four years.



Public Defender administrators note that increasing the support staff pool will ease the burden on existing staff and will, subsequently, encourage existing staff to remain in their respective positions. Data to support this contention, however, has not been submitted to OMB to establish this proposed correlation.

### **Space Issue**

The Office of Management and Budget has expressed its concern over the lack available space for additional staff in the Luhrs Building. PD administrators indicated that based on existing space, the office would be able to accommodate a maximum of eight to 10 support personnel. The department asserts that it could accommodate 35 to 40 support staff with approximately 5,500 square feet.

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Even more limiting is the lack of space in the Southeast Facility in Mesa. It was the intention of the PD to place approximately six support personnel at this location. However, the lack of space will hinder that effort.

Recent policy decisions have suggested that the Public Defender Appeals Unit will move from its third floor offices in the Luhrs Building and lease 5,500 square feet of office space from the Planning and Development Department next January. The lease cost to the Indigent Representation Department will be approximately \$15 dollars per square foot. The department's FY 1999 – 2000 budget will be adjusted to reflect an increase of \$57,750 which includes one-time moving costs of \$16,500. The annualized lease cost amounts to \$82,500. The PD asserts that the space vacated by the Appeals Unit (approximately 5,500 square feet) will be sufficient to accommodate 35 – 40 additional staff.

## CONCLUSION

It has not been a priority to fund support positions in recent years because the increase in case assignments and cases going to trial required an increase in the number of attorney positions. As a result the PD's Office feels that it is necessary to increase the number of support positions to handle attorneys' support needs. Although the rate of increase for support positions has been added at a rate similar to the increase in attorney positions, the PD's Office asserts that the ratio of support staff to attorneys has never been adequate.

The data submitted to OMB and the subsequent analysis that was conducted indicates that the Public Defender's Office is justified in seeking funding to create additional support positions. The primary workload increases are occurring within the Trial Division. Analysis shows that the increase in trials, subpoenas served, and pages transcribed has outpaced the PD's ability to create support positions. The increasing number of case assignments within the Appeals Division indicates that support related work is increasing in this division as well.

A concern for the PD's Office is the increasing amount of support related functions that is pushed upward to the attorneys. The PD asserts that there is an increasing amount of support functions that burden attorneys and result in office wide inefficiencies. Although the PD has not conducted an empirical study to quantify the hourly amount of support related functions performed by attorneys, administrative staff and OMB agree that the addition of support staff can alleviate a significant amount of the burden. Furthermore, additional support staff would allow attorneys to concentrate on attorney specific functions and can reduce the need for additional attorneys in the future. It is cost effective to recommend funding for additional support staff if it will curtail funding requests for additional attorney positions. It would be prudent for the PD's Office to

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determine the amount of attorney time that is made available once support positions are added. OMB will analyze future budget requests to add attorney positions based upon attorney hours that are made available as a result of any increase in support positions.

In an effort to retain employees within the support staff ranks, it is necessary to alleviate the burden of unmanageable workloads and job related stresses that are perceived by support staff. Responses to a survey of lead support staff personnel has indicated that support staff are dissatisfied with the work environment and are concerned that the lack of additional staff will lead to inferior work and high attrition. It is evident that over the last four years attrition has been increasing significantly as workloads have increased. It would be cost effective to increase support positions to disperse workloads in an effort to maintain a stable working environment. The PD contends that this will encourage current staff to maintain their positions within the office and, thereby, reduce office turnover.

Although several other factors can influence the attrition rate in the PD's Office, it is reasonable to assume that increases in case assignments and cases going to trial will have a substantial impact. As mentioned support personnel have indicated the dissatisfaction with workload as being a top reason for their departure. To determine acceptable support staff position to caseload and/or workload indicator ratios, OMB used the support staff ratios experienced in FY 96/97 as the baseline. In FY 96/97, attrition among support staff began to increase at an increasing rate beyond the rate experienced by attorneys and the entire office. Based on the correlation that can be presumed between attrition rate and workload, OMB is recommending the number of support staff needed to achieve the ratios experienced in FY 96/97.

## **RECOMMENDATION**

OMB proposes that the PD's Office add 36 support personnel to achieve support staff ratios experienced in FY 96/97. This will have the effect of reducing the attrition rate and enabling the department to maintain a higher level of efficiency in the workplace. Furthermore, it is expected that attorneys will have more time to dedicate to court specific functions. The following table details the position costs and lease costs associated with funding this issue.

**TABLE XII**

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<b>Recommended Funding</b>						
Position	Proposed FTE	Salary and Benefits	Start-up*	Total FY 99/00	ONGOING**	Total FY 00/01
<i>Starting in July</i>						
Client Services Coordinator	1	\$ 34,664	\$ 5,230	\$ 39,894	\$ 1,125	35,667.23
Investigator	4	\$ 135,493	\$ 20,920	\$ 156,413	\$ 4,500	139,517.16
Legal Secretary	4	\$ 108,136	\$ 20,920	\$ 129,056	\$ 4,500	112,263.69
Legal Assistant	1	\$ 30,942	\$ 5,230	\$ 36,172	\$ 1,125	31,959.28
<b>SUBTOTAL</b>	<b>10</b>	<b>\$ 309,235</b>	<b>\$ 52,300</b>	<b>\$ 361,535</b>	<b>\$ 11,250</b>	<b>\$ 319,407</b>
<i>Starting in January</i>						
Client Services Coordinator	1	\$ 18,671	\$ 5,230	\$ 23,901	\$ 1,125	35,667.23
Initial Services	2	\$ 27,966	\$ 10,460	\$ 38,426	\$ 2,250	52,655.64
Investigative Aide	0	\$ -	\$ -	\$ -	\$ -	-
Investigator	4	\$ 73,101	\$ 20,920	\$ 94,021	\$ 4,500	139,517.16
Law Clerk	1	\$ 15,798	\$ 5,230	\$ 21,028	\$ 1,125	29,943.08
Legal Assistant	2	\$ 33,619	\$ 10,460	\$ 44,079	\$ 2,250	63,918.55
Legal Secretary	11	\$ 163,410	\$ 57,530	\$ 220,940	\$ 12,375	308,725.16
Records Processor	5	\$ 62,122	\$ 26,150	\$ 88,272	\$ 5,625	116,112.04
<b>SUBTOTAL</b>	<b>26</b>	<b>\$ 394,686</b>	<b>\$ 135,980</b>	<b>\$ 530,666</b>	<b>\$ 29,250</b>	<b>\$ 746,539</b>
Lease cost for additional space (5,500 square feet)				\$ 41,250		\$ 82,500
One-time moving costs at \$3 per square foot				\$ 16,500		
<b>SUBTOTAL</b>				<b>\$ 57,750</b>		<b>\$ 82,500</b>
<b>TOTAL</b>				<b>\$ 949,952</b>		<b>\$ 1,148,446</b>

\*Start-up costs per position is \$5,230.00

\*\*On-going operation costs per position is \$1,125.00

## Recommended

- **FY 99/00 - \$949,952**
- **Annualized - \$1,148,446**

Budget projections indicate that the department will realize savings from operations in the amount of \$571,016. The savings will be used to absorb a portion of the cost of the additional staff. This will be reflected as a reduction in the department's base budget request.

It is further recommended that the PD's Office submit performance outcome measures to track the efficiencies that the office will realize with the addition of support staff. Recommended outcome measures include but are not limited to the following.

- **Track the amount of time that attorneys spend performing support related functions**
- **Track the number of continuances that attorneys submit**
- **Track the attrition rate and leave time of support staff**